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By: ~~Chairman, Health and Government Operations Committee (By Request  
–Departmental–Health and Mental Hygiene)~~ Delegates Hubbard,  
Aumann, Hurson, Hammen, Benson, Boteler, Boutin, Bromwell, Costa,  
Donoghue, Elliott, Goldwater, Kach, Mandel, McDonough, Morhaim,  
Murray, Nathan-Pulliam, Oaks, Pendergrass, Rosenberg, Rudolph,  
Smigiel, V. Turner, and Weldon

Introduced and read first time: February 4, 2004  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 9, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Biological Agents Registry Program**

3 FOR the purpose of ~~providing~~ requiring the Department of Health and Mental  
4 Hygiene to adopt regulations that require local jurisdictions to be informed of  
5 the location and nature of certain biological agents in the Biological Agents  
6 Registry and provide for the release of certain information to certain units of  
7 government, certain police officers, and certain fire or emergency medical  
8 services entities; prohibiting disclosure of certain information to another person  
9 or entity unless authorized; defining certain terms; requiring the Department to  
10 adopt certain regulations in consultation with certain groups; clarifying the  
11 definition of a certain term; and generally relating to the Biological Agents  
12 Registry Program in the Department of Health and Mental Hygiene.

13 BY repealing and reenacting, with amendments,  
14 Article - Health - General  
15 Section 17-601, 17-602, and 17-604  
16 Annotated Code of Maryland  
17 (2000 Replacement Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 17-601.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Biological agent" means[:

5 (1) Any select agent that is a microorganism, virus, bacterium, fungus,  
6 rickettsia, or toxin listed in Title 42, Part 72, Appendix A of the Code of Federal  
7 Regulations;8 (2) Any genetically modified microorganisms or genetic elements from  
9 an organism listed in Title 42, Part 72, Appendix A of the Code of Federal Regulations,  
10 shown to produce or encode for a factor associated with a disease; or11 (3) Any genetically modified microorganisms or genetic elements that  
12 contain nucleic acid sequences coding for any of the toxins listed in Title 42, Part 72,  
13 Appendix A of the Code of Federal Regulations, or their toxic submits] ANY  
14 BIOLOGICAL AGENT AS DEFINED IN TITLE 42, PART 73 OF THE CODE OF FEDERAL  
15 REGULATIONS, OR TITLE 9, PART 121 OF THE CODE OF FEDERAL REGULATIONS.16 (C) "MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS"  
17 MEANS THE UNIT DESCRIBED IN § 13-503 OF THE EDUCATION ARTICLE.

18 (D) "PERSON" INCLUDES STATE AND FEDERAL UNITS OF GOVERNMENT.

19 [(c)] (E) "Program" means the Biological Agents Registry Program.

20 17-602.

21 (a) There is a Biological Agents Registry Program in the Department.

22 (b) The Biological Agents Registry shall:

23 (1) Identify the biological agents possessed and maintained by any  
24 person in this State; and25 (2) Contain other information as required by regulations adopted by the  
26 Department.27 (c) The Department shall adopt regulations for the implementation of the  
28 Program that:29 (1) Determine and list the biological agents required to be reported  
30 under this subtitle;31 (2) Designate the persons required to make reports and the specific  
32 information required to be reported;

1 (3) Designate time limits for reporting, the form of reports, and the  
2 persons to whom reports are to be submitted;

3 (4) REQUIRE LOCAL JURISDICTIONS TO BE INFORMED OF THE  
4 LOCATION AND NATURE OF EACH BIOLOGICAL AGENT IN THE REGISTRY THAT IS  
5 LOCATED WITHIN THE LOCAL JURISDICTION;

6 ~~(4)~~ (5) Provide for the release of ~~SPECIFIED~~ information in the  
7 Biological Agents Registry to:

8 (I) State and federal law enforcement agencies and the Centers for  
9 Disease Control and Prevention pursuant to a communicable disease investigation  
10 commenced or conducted by the Department or other State or federal law  
11 enforcement agency having investigatory authority, or in connection with any  
12 investigation involving release, theft, or loss of biological agents;

13 (II) THE MARYLAND EMERGENCY MANAGEMENT AGENCY AND THE  
14 MARYLAND DEPARTMENT OF THE ENVIRONMENT FOR THE PURPOSES OF PLANNING  
15 FOR THE PROTECTION OF THE PUBLIC IN RELATION TO THE RELEASE OF A  
16 BIOLOGICAL AGENT AND THE PREVENTION OF A RELEASE OF A BIOLOGICAL AGENT;  
17 AND

18 (III) THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL  
19 SERVICES SYSTEMS FOR THE PURPOSES OF PROVIDING CERTAIN SPECIFIED  
20 INFORMATION TO: A FIRE OR EMERGENCY MEDICAL SERVICES ENTITY, AS DEFINED  
21 IN § 7-101 OF THE PUBLIC SAFETY ARTICLE, PERFORMING EMERGENCY SERVICES,  
22 PROCEEDING TO A FIRE OR OTHER EMERGENCY, OR DISPATCHED ON A CALL FOR  
23 EMERGENCY SERVICES;

24 1. A POLICE OFFICER, AS DEFINED IN § 3-201(E) OF THE  
25 PUBLIC SAFETY ARTICLE, RESPONDING TO AN EMERGENCY; AND

26 2. A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES  
27 ENTITY, AS DEFINED IN § 7-101 OF THE PUBLIC SAFETY ARTICLE, PERFORMING  
28 EMERGENCY SERVICES, RESPONDING TO A FIRE OR OTHER EMERGENCY, OR  
29 DISPATCHED ON A CALL FOR EMERGENCY SERVICES;

30 ~~(5)~~ (6) Establish a system of safeguards that requires persons  
31 possessing, maintaining, and transferring biological agents subject to this subtitle to  
32 comply with the same federal standards that apply to persons registered to transfer  
33 the same agents under federal law; and

34 ~~(6)~~ (7) Establish a process for persons that possess and maintain  
35 biological agents to alert appropriate authorities of unauthorized possession or  
36 attempted possession of biological agents.

1 17-604.

2 (a) Except as otherwise provided in this subtitle, information prepared for or  
3 maintained in the Biological Agents Registry shall be confidential and is not subject  
4 to Title 10, Subtitle 6 of the State Government Article.

5 (b) Release of information from the Registry as authorized by regulations  
6 adopted under § 17-602(c)(4) of this subtitle shall not render the information released  
7 a public record.

8 (C) A PERSON OR ENTITY TO WHOM SPECIFIED INFORMATION HAS BEEN  
9 RELEASED FROM THE REGISTRY AS AUTHORIZED BY REGULATIONS ADOPTED  
10 UNDER § 17-602(C)(4) OF THIS SUBTITLE MAY NOT RELEASE THE INFORMATION  
11 UNLESS THE RELEASE IS APPROVED BY THE BIOLOGICAL AGENTS REGISTRY  
12 PROGRAM.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
14 Health and Mental Hygiene shall adopt regulations to implement § 17-602(c)(4) of  
15 the Health - General Article, as enacted by Section 1 of this Act, in consultation with  
16 local jurisdictions, and shall consider current standards and security measures  
17 followed by local officials and emergency response agencies when obtaining  
18 information about facilities within their jurisdictions that contain nuclear and  
19 chemically hazardous materials.

20 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of  
21 Health and Mental Hygiene, in consultation with the Governor's Office of Homeland  
22 Security, the Maryland Emergency Management Agency, the Maryland Institute for  
23 Emergency Medical Services Systems, the Maryland Department of the Environment,  
24 the Maryland Association of Counties, the Maryland Municipal League, and local  
25 jurisdictions, shall adopt regulations to implement § 17-602(c)(5)(iii) of the Health -  
26 General Article, as enacted by Section 1 of this Act, that establish procedures for  
27 identifying, distributing, and maintaining the confidentiality of secure information  
28 contained in the Biological Agents Registry.

29 ~~SECTION 4.~~ SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take  
30 effect October 1, 2004.